DC Wrap: Trump aims to toss thousands of absentee ballots in Milwaukee and Dane counties

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Quotes of the week

"We will not stop fighting for transparency and integrity in our electoral process to ensure that all Americans can trust the results of a free and fair election in Wisconsin and across the country."
– Trump campaign attorney Jim Troupis on the petition filed yesterday for a recount of Dane and Milwaukee counties.

"They chose these two counties because they are Democratic strongholds. This is just another form of voter suppression and trying to attack our minority neighborhoods."
– Milwaukee County Clerk George Christenson on the jurisdictions the Trump campaign chose for a recount.

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This week's news

— President Trump's recount strategy would disqualify thousands of absentee ballots in the heavily Dem counties of Dane and Milwaukee cast by voters who were following the directions of state and local election officials.

That includes arguing those who vote early, in-person must first fill out a written application for an absentee ballot before being allowed to cast one. The president's recount petition, which was unanimously approved by the state Elections Commission late last night, estimates more than 60,000 such ballots were cast in Milwaukee County alone and shouldn't be counted.

Guidance from the commission, however, notes the envelope voters sign as part of the early voting process also serves as an application and by signing it, "the voter specifically certifies that they requested the ballot."

The petition also argues the Elections Commission provided "illegal" advice to local clerks that they can fill in missing information for witnesses to absentee ballots. That advice has been in place since October 2016, but the Trump campaign wants those ballots rejected, along with those from voters the campaign alleges falsely claimed they were indefinitely confined.

The official county canvass, completed Tuesday, shows Joe Biden won Wisconsin by 20,608 votes.

But Jim Troupis, an attorney for the campaign, said the "true results" won't be known until only legal ballots are counted.

"We will not stop fighting for transparency and integrity in our electoral process to ensure that all Americans can trust the results of a free and fair election in Wisconsin and across the country," Troupis said.

The petition argues that votes cast in violation of state standards for absentee ballots may not be counted.

— Several election law experts told WisPolitics.com courts typically don't penalize voters for an administrative error in conducting an election and throwing out ballots from citizens who thought they were following proper procedures would be unusual.

They said that in particular applies to those who voted early, in-person and filled out the absentee ballot envelope they were given by local clerks.

They also said the petition seeks to set a different standard for absentee ballots

cast in the state's most populous — and most Democratic — counties compared to the rest of the state.

Voters in the Republican county of Waukesha cast more in-person, early votes than those in Dane County. But it wasn't included in the president's recount petition.

"My personal view is that's an unconstitutional use of his right to a recount," said Mark Thomsen, a Dem appointee to the state Elections Commission. "What he's challenging, every clerk did in every county across the state."

The petition also alleges:

*Trump observers at Milwaukee's central count for absentee ballots were forced to remain 30 to 35 feet away from "numerous tables" where absentee ballots were being processed.

*An election inspector at Milwaukee's central count issued a blanket denial of challenges to absentee ballots where clerks filled in missing information on envelopes.

*Once "observational access" is granted to Trump observers, mistakes and fraud will be discovered.

Biden's Wisconsin spokesman Nate Evans said the official canvass reaffirmed Biden's "clear and resounding win" and a "cherry-picked and selective recounting of Milwaukee and Dane County will not change these results."

Under the state's recount process, the county clerks and two members from the county boards of canvass will rule on challenges the Trump campaign has raised to absentee ballots. The boards of canvass members will include one member from the clerk's political party and one from the other major party.

In both Dane and Milwaukee counties, that means there will be two Dems and one Republican considering each challenge.

The Trump campaign could then challenge those rulings in court.

There is already a case before the state Supreme Court on voters who declare they are indefinitely confined, which exempts them from providing a photo ID while voting absentee.

State law does not explicitly designate who qualifies for the indefinitely confined status. The Elections Commission published guidance ahead of the April election saying the designation is only appropriate for voters who are confined due to age, physical illness or infirmity or are disabled for an indefinite period.

That guidance says it's up to individual voters to decide if they're indefinitely confined, but they shouldn't use it solely to get around the voter ID requirement.

The case before the Wisconsin Supreme Court focuses on the advice that local clerks gave voters about the declaration during the spring election as the COVID-19 pandemic began to take off in the state.

See more [here.](#)

— Canvass reports from all 72 Wisconsin counties show Joe Biden has picked up a net 181 votes to expand his lead over President Trump to 20,608 votes.

Elections Commission Administrator Meagan Wolfe last week said such a small change was standard for a presidential election.

She noted the canvass process is where counties add provisional ballots to the tally. Those are ballots that are filled out on election day but can't be processed for a number of reasons, including the voter forgetting to bring photo ID to the polling station. The state issued 336 such ballots and voters had until 4 p.m on Nov. 6 to correct the issue.

Wolfe also said human error plays a role.

One minor error, she said, came from a municipal clerk missing a military ballot on election night. Ballots can be sent electronically to members of the military and their families.

The ballot was received by the deadline of 8 p.m. on Nov. 3 but came in an "irregular" envelope, leading local officials to miss it in their initial tally.

Wolfe also said a large percentage of municipalities are so small they don't use tabulating equipment and count ballots by hand. While those jurisdictions only

represent around 5 percent of ballots cast in the state, Wolfe said "you can also see human errors in that as well."

The largest deviation between the results certified in the canvass and unofficial results from election night was also a case of human error. In Shawano County, Clerk Pamela Schmidt said a municipality initially reported 636 votes for Trump on election night. But the correct number was 362. It appeared to be a data entry mistake, she said.

See more [here.](here)

— Elections Commission stats show voter fraud in Wisconsin is rare — only 19 cases in six elections since February 2019.

Elections Commission Administrator Meagan Wolfe said she's not aware of any reports of fraud from the presidential election but added such allegations aren't generally reported directly to the Elections Commission.

"If there was any indication of somebody voting twice or any other type of misconduct of the election, that local election official reports that straight to their district attorney, and so it actually doesn't come through our office," she said.

State law requires the commission to send an annual report to the Legislature detailing cases of suspected election fraud, irregularities or violations. The most recent report sent by the commission in September included 19 instances since February 2019.

The referrals include:

*seven cases of voting twice in the same election, including four where a voter is suspected of voting in two different municipalities, two in which a voter is suspected of voting both absentee and at polls; and one in which a voter is suspected of voting in-person absentee and absentee by mail;

*seven cases of undeliverable election day registration confirmation postcards;

*four cases of incorrect voter registration address;

*one case of ineligible voter registration – felony.

The report covers a period in which there were six elections administered in the state. A WisPolitics.com review of the commission's EL-190 reports shows nearly 3.8 million voters participated in those elections, putting the rate of referrals as a percentage of the total number of voters at 0.0005 percent.

Still, Wolfe said just because she wasn't aware of any reports of voter fraud "doesn't mean that there haven't been municipal clerks that have found some type of irregularity or some type of isolated voter fraud that have potentially referred that to their district attorneys.

See more on the 19 suspected cases here.

— U.S. Rep. Mike Gallagher, R-Green Bay, is praising the federal government's top cybersecurity official after the president fired him for rebuffing false claims about the integrity of the Nov. 3 election.

President Trump announced the firing of Chris Krebs on Tuesday night via Twitter saying his statement about the security of the election was "highly inaccurate" and there were "massive improprieties and fraud."

Twitter added a label to Trump's tweets that the claims were disputed.

Gallagher led the Cyberspace Solarium Commission, which was created to develop a strategic approach to defending the U.S. against cyber attacks.

"Chris Krebs did his job and did it extremely well," Gallagher said. "The country is safer and our elections more secure from foreign interference because of his leadership at CISA. He left a legacy of success that reiterates the Cyberspace Solarium Commission's recommendations to strengthen CISA, maintain auditable paper trails for voting, and provide cyber education so Americans can better spot disinformation."

Krebs was the director of the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency, which oversaw the defense of the 2018 and 2020 elections. The agency also oversees the protection of federal computer networks and critical infrastructure facilities.

— Delaying the transition to President-elect Joe Biden hurts the nation, and the Trump administration needs to begin the process now, U.S. Sen. Tammy Baldwin said.

"I want them to start and I want to also see the resources and tools that are customarily made available to the president-elect made available, and that dragging their feet is injurious to our nation," Baldwin, D-Madison, said in an interview aired Sunday on "UpFront," produced in partnership with WisPolitics.com.

"Our national security really depends on an orderly and smooth transition," she said.

Baldwin said the Nov. 3 election was secure and fair and "Joe Biden is indeed president-elect and will be sworn in on Jan. 20."

Baldwin also said public health systems need a "sizable investment" during the pandemic and Congress needs to pass additional COVID-19 relief before the end of the year.

"I think it is urgent. I think it should have been done yesterday, and with these impending additional deadlines we've seen come and pass related to unemployment benefits and others, but with these new impending deadlines it's very urgent that we act before the end of the year," she said.

See more [here.](#)

— U.S. Rep. Mark Pocan is urging Joe Biden to commit to selecting a Defense secretary who has no previous ties to military contractors.

In a letter sent with U.S. Rep. Barbara Lee, D-Calif., the Town of Vermont Dem noted all three Defense secretaries during the Trump administration used to work in the defense industry. Marine Corps Gen. Jim Mattis sat on the board of directors at General Dynamics, Pat Shanahan was an executive at Boeing and Mark Esper, fired by Trump last week, was a lobbyist for Raytheon.

"It is unsurprising that the largest defense budgets in our nation's history have come at a time during which senior defense personnel are intimately connected – through past, and future, employment – to the corporations profiting the most from those very same budgets," Pocan and Lee wrote in the letter.

The pair said Trump's legacy "will undoubtedly linger," but added one way for the country to move on from "the stain of his tenure is to immediately remove the profiteering ethos Donald Trump fostered throughout government."

See the letter [here.](#)

— Pocan has been quarantining since Nov. 10 after spending two hours in close proximity with his 91-year-old mother, who later tested positive for COVID-19.

According to a release, Pocan was helping his mother move to a nursing home on Nov. 9. The next day, he found out his mother tested positive for coronavirus from a test taken on Nov. 4.

The Town of Vermont Dem said he was tested on Friday and received a negative result and his mother is asymptomatic. The release indicates Pocan will be tested again at the end of this week.

See more [here.](#)

— Donald Trump's campaign has agreed to drop its defamation lawsuit against a Rhinelander TV station over an ad from a Dem super PAC accusing the president of calling the coronavirus "their new hoax."

The stipulation for dismissal, filed in federal court, agrees to drop all claims with each party bearing its costs, including attorneys' fees.

The agreement announced Friday comes four days after the TV station WJFW had asked a federal judge to drop the lawsuit because Trump lost the election.

The ad splices together several lines from Trump. The campaign argued the

president was referencing his opponents' politicization of the pandemic when he called it "their new hoax."

Priorities USA intervened in the suit, and the Dem PAC's chairman, Guy Cecil, slammed Trump following his agreement to drop the suit.

"Like all of his other misguided legal actions, Donald Trump only knows how to lie, cheat, and sue his way out of accountability for his actions," Cecil said.

The Wisconsin attorney who represented Trump didn't immediately respond to a request for comment.

See more [here.](#)

— After Hillary Clinton's loss, Democrats worked for four years to improve turnout with African Americans in Milwaukee. That didn't happen.

But Dems made progress in the near and far suburbs — progress that helped Joe Biden net many more votes in Milwaukee County than Clinton did four years ago.

A WisPolitics.com analysis shows Biden improved on Clinton's performance in Milwaukee County by a net 20,143 votes. That combined with a net improvement of almost 35,000 votes in Dane County helped the former vice president beat President Trump, who underperformed in the Milwaukee suburbs compared to 2016.

But Marquette University Law School Poll Director Charles Franklin last week said Trump improved his margins in three of the city of Milwaukee's most predominantly Black aldermanic wards.

Franklin said while Biden won over 80 percent of the vote in wards 1, 7 and 15, he underperformed Clinton's margins in the 2016 election by between two to four points. Turnout across those three wards, which are more than 80 percent Black, was also down from 2016.

"There was also a bit of a decline in voter turnout in those wards, which is a little surprising given all the emphasis that's gone into mobilizing the Black community," he said at a virtual luncheon hosted by WisPolitics.com and the Milwaukee Press Club.

Milwaukee County Dem Party Chair Chris Walton, who is African American, said the Dems' failure to improve Black turnout was caused by their inability to campaign in person due to concerns over the coronavirus pandemic.

"We still picked up another 3,000 votes out of the city of Milwaukee, so when we have people out there actually knocking on doors, we should be able to do more than that," Walton said, comparing this year's results to 2016 city voting results.

See more [here.](#)

— Even if the U.S. Supreme Court keeps the Affordable Care Act largely intact, health care will be plagued by high costs, complexity and inequities, experts told a WisPoltics.com virtual event.

The high court on Nov. 10 heard arguments in a Texas case that health advocates feared could lead to the end of the ACA. But a panel of health care experts said last week that the justices appeared to favor the continuation of the ACA.

State Deputy Insurance Commissioner Nathan Houdek said justices should consider how the ACA affects people across the country since the major elements have been "fully integrated into our health care system now" touching almost every American across the country.

The Supreme Court's decision next year will influence how the new Congress and President-elect Joe Biden move on various health care initiatives. U.S. Senate control remains up in the air until early next year because of two Georgia run-off elections, so big moves on health care may have to yield to small efforts that can garner bipartisan support, the panel said.

See more [here](#).

Posts of the week

November is Military Family Appreciation Month. Our military families face

unique challenges. I will always support our service members and their families for their sacrifice and service. pic.twitter.com/1nyT9e6uI8

— Bryan Steil (@RepBryanSteil) November 18, 2020

Vietnam vets like Joe are heroes & we owe them an enormous debt of gratitude for their service. While these men & women did not get the welcome home from Vietnam they deserved, I'm glad to see that today they're being honored & celebrated for their courage.https://t.co/hnk8FknKdk

— Rep. Gallagher Press Office (@RepGallagher) November 18, 2020

This Native American Heritage Month, Wisconsinites come together to celebrate and honor the history and culture of Native Americans. Here in Wisconsin, the contributions of Native Americans are essential to our past, present, and future. https://t.co/yWY3RCQOen

— Archive: Rep. Ron Kind (@RepRonKind) November 17, 2020

School provides children with the framework to become successful adults by developing social skills and challenging their intellectual ability.

This #AmericanEducationWeek, we celebrate our nation's students and teachers! pic.twitter.com/UOENQhFQKH

— Rep. Glenn Grothman (@RepGrothman) November 17, 2020

We all have a role to play to #StopTheSpread of #COVID19 in Wisconsin. Every Wisconsinite should:

✔ #MaskUp
✔ Wash your hands frequently
✔ Practice social distancing
✔ Avoid gatherings with folks outside your household
✔ Stay home if you can

We're all in this together. pic.twitter.com/FUhrVJwaq4

— Sen. Tammy Baldwin (@SenatorBaldwin) November 17, 2020

No more defense contractors as Defense Secretary.

No more $740 billion Pentagon budget. pic.twitter.com/uCpAxN7rgH

— Rep. Mark Pocan (@RepMarkPocan) November 16, 2020

ICYMI

Sen. Ron Johnson alleges Google sways elections for Democrats. Even Google critics say that's false

Senator Tammy Baldwin speaks out on COVID-19

Congressman Mark Pocan in quarantine after contact with mother who tested positive for COVID-19

Wisconsin GOP congressional delegation in denial about Joe Biden victory

Wisconsin's federal funds for COVID-19 tests expire Dec. 31